

ORIGINAL

SEALED
BY ORDER OF THE COURT**SEALED BY ORDER OF THE COURT****United States District Court**

for the

DISTRICT OF HAWAIIFILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAIIJUN 08 2011
at 10 o'clock and 27 min. a M.
SUE BEITIA, CLERKU.S.A. vs. JED ABREGANA Docket No. CR 01-00431DAE-01**REQUEST FOR COURSE OF ACTION
(Statement of Alleged Violations of Supervised Release)**

COMES NOW ROBIN L. DeMELLO, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of JED ABREGANA who was placed on supervision by the Honorable David Alan Ezra sitting in the Court at Honolulu, Hawaii, on the 13th day of August 2002, who fixed the period of supervision at 3 years and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

1. That the defendant is prohibited from possessing any illegal or dangerous weapons.
2. The defendant must participate in sex offender assessment and treatment and abide by the policies and procedures of the program, which may include the plethysmograph, polygraph, and other types of testing, as approved by the Probation Office.
3. Defendant shall reside in a locale in which he has access to sex offender treatment as directed by the Probation Office. The defendant may change his residence only with the advance approval of the Probation Office.
4. Defendant shall register with the state sex offender registration agency in any state where the defendant resides, is employed, carries on a vocation, or is a student, as directed by the Probation Office.
5. Defendant is prohibited from possessing or accessing any computer or computer network that can, or has had, access to the internet, and shall not frequent places where the internet is available for public use without the prior approval of the Probation Office.
6. Defendant is prohibited from possessing and accessing any computer hardware and software or any other electronic device or communication device, that facilitates access to any electronic mail (e-mail), web browsers, and internet services without the prior approval of the Probation Office. The defendant shall be allowed access to e-mail for work purposes only.
7. That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a

condition of supervision. The defendant shall also submit to periodic unannounced examinations of his computer and computer accessories as well as provide access to his internet service provider account records, as directed by the Probation Office. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

8. Defendant shall not have any type of contact (including written materials, communication devices, audio and visual devices, visits, or through a third party), with children under the age of 18 or victims, except in the presence of an adult who is aware of the nature of the defendant's offense and who has been approved by the Probation Office.
9. Defendant shall not view, purchase, possess, or distribute any form of pornography depicting sexually explicit conduct as defined in 18 U.S.C. § 2256(2), unless approved for treatment purposes, or frequent any place where such material or entertainment is available.
10. Defendant shall provide the Probation Office access to any requested financial information.

On 4/21/2009, the Court revoked the subject's supervised release for failing to participate in sex offender treatment on six occasions, reporting late for sex offender treatment on four occasions, failing to be truthful about his change in residence, failing to report his change in employment, and failing to report to the Probation Office as instructed. The subject was sentenced to eight (8) months imprisonment and twenty-eight (28) months supervised release.

On 12/4/2009, the subject commenced his second term of supervised release.

On 3/9/2010, the Court revoked the subject's supervised release for failing to report as instructed to WorkNet, Inc., failing to follow the Probation Officer's instructions, failing to truthfully answer inquiries by the Probation Officer, failing to follow the Probation Officer's instructions, failing to participate in sex offender treatment, and failing to report to the Probation Office as instructed. The subject was sentenced to eight (8) months imprisonment and twenty (20) months supervised release.

On 11/4/2010, the subject commenced his third term of supervised release with the following special conditions:

1. The defendant shall participate in sex offender assessment and treatment and abide by the policies and procedures of the program, which may include the plethysmograph, polygraph, and other types of testing, as approved by the Probation Office.
2. Defendant shall reside in a locale in which he has access to sex offender treatment as directed by the Probation Office. The defendant may change his residence only with the advance approval of the Probation Office.
3. Defendant is prohibited from possessing or accessing any computer or computer network that can, or has had, access to the internet, and shall not frequent places where the

internet is available for public use without the prior approval of the Probation Office. If approval is granted, access will be for business purposes only.

4. Defendant is prohibited from and accessing any computer hardware and software or any other electronic device or communication device, that facilitates access to any electronic mail (e-mail), web browsers, and internet services without the prior approval of the Probation Office. The defendant shall be allowed access to internet and email for work purposes only.
5. That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. The defendant shall also submit to periodic unannounced examinations of his computer and computer accessories as well as provide access to his internet service provider account records, as directed by the Probation Office. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.
6. The defendant shall not have any type of contact (including written materials, communication devices, audio and visual devices, visits, or through a third party), with children under the age of 18 or victims, except in the presence of an adult who is aware of the nature of the defendant's offense and who has been approved by the Probation Office.
7. The defendant shall not view, purchase, possess or distribute any form of pornography depicting sexually explicit conduct as defined in 18 U.S.C. § 2256(2), unless approved for treatment purposes, or frequent any place where such material is available.
8. Defendant shall provide the Probation Office access to any requested financial information.
9. Defendant is prohibited from access to a computer at home.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Alleged Violation(s) of Supervised Release

That the subject has violated the conditions of his Supervised Release (Judgment attached) as follows:

1. From on or about 11/15/2010 to on or about 2/21/2011, the subject failed to follow the Probation Officer's instruction that he submit four (4) job applications per day, Monday through Friday, in violation of Standard Condition No. 3.
2. The subject viewed adult pornography on two occasions between 12/20/2010 and 2/20/2011, in violation of Special Condition No. 7.

3. The subject possessed child pornography from on or about 11/4/2010 to 2/1/2011, in violation of Special Condition No. 7

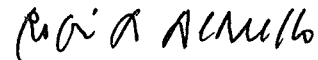
Based on the above, the U.S. Probation Officer recommends that a NO BAIL Warrant be issued and that the subject be brought before the Court to show cause why supervision should not be revoked.

PRAYING THAT THE COURT WILL ORDER ONE OF THE FOLLOWING COURSES OF ACTION:

- ☒ [X] The issuance of a NO BAIL warrant and that the subject be brought before the Court to show cause why supervision should not be revoked. The NO BAIL warrant and this Petition to be sealed for other than law enforcement purposes and until such time that the subject has been arrested and the warrant duly executed.
- ☐ [] The Issuance of a Summons and that the subject be brought before the Court to show cause why supervision should not be revoked.
- ☐ [] No Action
- ☐ [] Other


I declare under penalty of perjury that the foregoing is true and correct

Executed on 6/6/2011



ROBIN L. DeMELLO
U.S. Probation Officer

Approved by:


TIMOTHY M. JENKINS
Supervising U.S. Probation Officer

ORDER OF COURT

THE COURT ORDERS the issuance of a NO BAIL warrant and that the subject be brought before the Court to show cause why supervision should not be revoked. The NO BAIL warrant and this Petition to be sealed for other than law enforcement purposes and until such time that the subject has been arrested and the warrant duly executed.

Considered and ordered this 6th day of June, 2011, and ordered filed and made a part of the records in the above case.



DAVID ALAN EZRA
U.S. District Judge

Re: **ABREGANA, Jed**
Criminal No. CR 01-00431DAE-01
REVOCATION OF SUPERVISED RELEASE

STATEMENT OF FACTS

Supervised release commenced on 11/4/2010. The subject moved back into a studio apartment that he previously shared with a female roommate.

On 11/8/2010, the subject reported to the Probation Office. The subject's goals on supervision were discussed. The subject agreed that employment was the key to being successful on supervision. The subject was instructed to begin submitting four applications per day, Monday through Friday. The subject was informed that he would be seen weekly, until he obtained employment.

Violation No. 1- The Subject Failed to Follow the Probation Officer's Instruction That he Submit Four (4) Job Applications per day, Monday through Friday:

On 11/15/2011, the subject reported that on: 11/9/2010, 11/11/2010, 11/12/2010 and 11/15/2010, he had not submitted four applications to potential employers. The following week, the subject was sick and he was excused from job searching. During the week of 11/22/2010, the subject reported submitting 18 applications on 11/23/2010. He did not submit any applications during the rest of the week.

On 12/7/2010, the subject reported being hired by Kentucky Fried Chicken. He started work on 12/14/2010. On 12/15/2010, the subject reported his work schedule for the remaining week. On 12/17/2010, the subject was contacted and he informed that he quit his job on 12/14/2010. He stated that he could not understand the person training him.

On 12/20/2010, the subject was instructed to resume submitting four applications per day, Monday through Friday. On 12/23/2010 (Thursday), the subject stated that he was not able to submit applications due to other appointments and the weather. He further stated that he would begin applying to four places per day.

On 1/5/2011, the subject stated that he had not applied for any jobs from 12/23/2010 to 1/3/2011. On 1/3/2011, he applied for one position. On 1/4/2011, he did not job search. The subject stated that he would apply to four places a day from 1/5/2011. Subsequently, the subject admitted that he had not applied for any work on 1/6/2011 and 1/7/2011.

On 1/20/2011, the subject stated that since seeing this officer on 1/10/2011, he had not applied for any employment until 1/19/2011. He stated that he had no excuse for not job searching.

Re: **ABREGANA, Jed**
Criminal No. CR 01-00431DAE-01
REVOCATION OF SUPERVISED RELEASE
STATEMENT OF FACTS - Page 2

On 1/27/2011, the subject admitted that he had not job searched in the last week. The subject was given a deadline to find employment by the end of February. On 2/17/2011, the subject admitted that he had not applied for work the week before.

On 2/21/2011, the subject reported he acquired part-time employment with All State Security. He is currently part-time employed as a swing-shift security guard.

Violation No. 2 - The Subject Viewed Pornography:

On 2/24/2011, the subject admitted to this officer that between 12/20/2010 and 2/20/2011, he viewed adult pornography when he was discarding his twin brother's (Jay Abregana) personal items. He stated that he viewed an unmarked disc that contained adult pornography.

Additionally, the subject stated that while job searching at WorkNet Inc., he accessed Craig's List. He conducted a search titled "men meeting men." He admitted that he viewed adult pornography.

Violation No. 3 - Possession of Child Pornography:

On 2/1/2011, a Federal search warrant was executed at the subject's reported residence. Child pornography images were recovered. The child pornography images were found in a file folder located in a clear plastic container. The container also held an inhaler belonging to the subject situated next to the file folder. The Federal Bureau of Investigation recovered and tested the images for fingerprints. The subject's fingerprints were found on the images.

Fourteen of the recovered images contained the subject's fingerprints. Of the fourteen, four images were labeled as evidence numbers Q7, Q9, Q51 and Q52. The images contain pubescent male minors engaged in sexually explicit conduct or posed in a lascivious manner exposing their genitalia.

According to the U.S. Attorney's Office, the government may pursue new criminal charges related to the possession of child pornography.

Since commencing his third term of supervised release, the subject has demonstrated he has not benefitted from his past encounters with the Court, imprisonment, and treatment opportunities. The subject's inability to account for his time in the community, unemployment, viewing and possession of child and adult pornography, coupled with the nature of his serious past sexual related offenses

Re: **ABREGANA, Jed**
Criminal No. CR 01-00431DAE-01
REVOCATION OF SUPERVISED RELEASE
STATEMENT OF FACTS - Page 3

indicate that he poses a risk of danger to the community. We respectfully recommend that a no bail warrant be issued and that the subject be brought before the Court to show cause why supervised release should not be revoked.

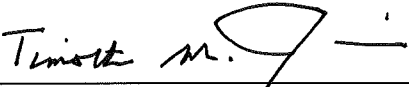
I declare under penalty of perjury that the foregoing is true and correct

Executed on 6/6/2011



ROBIN L. DeMELLO
U.S. Probation Officer

Approved by:



TIMOTHY M. JENKINS
Supervising U.S. Probation Officer

RLD/rl

Re: **ABREGANA, Jed**
Criminal No. CR 01-00431DAE-01
REVOCATION OF SUPERVISED RELEASE
STATEMENT OF FACTS - Page 4

**NOTICE OF ADDITIONAL CONDITION(S) OF SUPERVISION THAT MAY WARRANT
CONSIDERATION**

There do not appear to be any circumstances that warrant imposition of additional conditions at this time.

Case 1:01-cr-00431-DAE Document 50 Filed 03/11/10 Page 1 of 5

AO 245D

(Rev. 12/03) Sheet 1 - Judgment in a Criminal Case for Revocation

ORIGINAL

FILED IN THE

UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

United States District Court

U.S. PROBATION OFFICE
Honolulu, Hawaii

MAR 11 2010

at 1 o'clock and 10 min. V.
SUE BEITIA, CLERK

UNITED STATES OF AMERICA

v.

JED ABREGANA

(Defendant's Name)

10 MAR 12 P 2:24

JUDGMENT IN A CRIMINAL CASE

(For Revocation of Probation or Supervised Release)

Criminal Number:

1:01CR00431-001

USM Number:

88508-022

RUSTAM BARBEE, ESQ.

Defendant's Attorney

THE DEFENDANT:

- ☒ admitted guilt to violation of condition(s) Standard Condition No. 3; Special Condition No. 2; and Standard Condition No. 2. of the term of supervision.
- ☐ was found in violation of condition(s) _____ after denial or guilt.

Violation Number

Nature of Violation

Date Violation
Occurred

See next page.

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has not violated condition(s) _____ and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Defendant's Soc. Sec. No.: 5867

Defendant's Residence Address:
Honolulu, HI 96817

Defendant's Mailing Address:
Honolulu, HI 96817

MARCH 9, 2010

Date of Imposition of Sentence

Signature of Judicial Officer

DAVID ALAN EZRA, United States District Judge

Name & Title of Judicial Officer

MAR 11 2010

Date

Case 1:01-cr-00431-DAE Document 50 Filed 03/11/10 Page 2 of 5

AO 245 D (Rev. 3/95) Judgment in a Criminal Case for Revocation Sheet I

CASE NUMBER: 1:01CR00431-001

Judgment - Page 2 of 5

DEFENDANT: on

ADDITIONAL VIOLATION

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Date Violation Concluded</u>
1	Subject failed to report as instructed to WorkNet Inc.	1/9/2010
2	Subject failed to follow the Probation Officer's instructions issued	1/4/2010
2	Subject failed to truthfully answer inquiries by the Probation Officer	2/17/2010
3	Subject failed to follow the Probation Officer's instructions	2/17/2010
4	Subject failed to participate in sex offender treatment	2/24/2010
5	Subject failed to report to the Probation Office as instructed	2/25/2010

Case 1:01-cr-00431-DAE Document 50 Filed 03/11/10 Page 3 of 5

AO 245B (Rev. 6/05) Judgment in a Criminal Case
Sheet 2 - Imprisonment

CASE NUMBER: 1:01CR00431-001
DEFENDANT: JED ABREGANA

Judgment - Page 3 of 5

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: 8 MONTHS

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district.

☐ at ___ on ____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before __ on ____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Officer.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

Case 1:01-cr-00431-DAE Document 50 Filed 03/11/10 Page 4 of 5

AO 245B

(Rev. 6/05) Judgment in a Criminal Case
Sheet 3 - Supervised Release

CASE NUMBER: 1:01CR00431-001
DEFENDANT: JED ABREGANA

Judgment - Page 4 of 5

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: 20 MONTHS

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

That the defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement on supervision and at least two periodic drug tests thereafter, but not more than 8 valid drug tests per month during the term of supervised release.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon (Check if applicable.)
- ☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check if applicable.)
- ☒ That the defendant shall register with the state sex offender registration agency in any state where the defendant resides, is employed, carries on a vocation, or is a student, as directed by the probation officer.
- ☐ The defendant shall participate in an approved program for domestic violence. (Check if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

AO 245B

(Rev. 6/05) Judgment in a Criminal Case
Sheet 3 - Supervised ReleaseCASE NUMBER: 1:01CR00431-001
DEFENDANT: JED ABREGANA

Judgment - Page 5 of 6

SPECIAL CONDITIONS OF SUPERVISION

- 1) The defendant shall participate in sex offender assessment and treatment and abide by the policies and procedures of the program, which may include the plethysmograph, polygraph, and other types of testing, as approved by the Probation Office.
- 2) Defendant shall reside in a locale in which he has access to sex offender treatment as directed by the Probation Office. The defendant may change his residence only with the advance approval of the Probation Office.
- 3) Defendant is prohibited from possessing or accessing any computer or computer network that can, or has had, access to the internet, and shall not frequent places where the internet is available for public use without the prior approval of the Probation Office. If approval is granted, access will be for business purposes only.
- 4) Defendant is prohibited from and accessing any computer hardware and software or any other electronic device or communication device, that facilitates access to any electronic mail (e-mail), web browsers, and internet services without the prior approval of the Probation Office. The defendant shall be allowed access to internet and email for work purposes only.
- 5) That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. The defendant shall also submit to periodic unannounced examinations of his computer and computer accessories as well as provide access to internet service provider account records, as directed by the U.S. Probation Office. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.
- 6) The defendant shall not have any type of contact (including written materials, communication devices, audio and visual devices, visits, or through a third party), with children under the age of 18 or victims, except in the presence of a adult who is aware of the nature of the defendant's offense and who has been approved by the Probation office.
- 7) The defendant shall not view, purchase, possess or distribute any form of pornography depicting sexually explicit conduct as defined in 18 U.S.C. § 2256(2), unless approved for treatment purposes, or frequent any place where such material is available.
- 8) Defendant shall provide the Probation Office access to any requested financial information.
- 9) Defendant is prohibited from access to a computer at home.

ACKNOWLEDGMENT OF CONDITIONS

I have read or have had read to me the conditions of supervision set forth in this judgment and I fully understand them. I have been provided a copy of them.
I understand that upon finding of a violation of probation or supervised release, the Court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

Jed Abregana
Defendant
Robin A. Alcala
United States Probation Officer

Sept. 2, 2010
Date
9/2/2010
Date